IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

WEDNESDAY, THE 28TH MARCH 2007 / 7TH CHAITHRA 1929

CRP.No. 101 OF 2006(G)

AA.87/2003 OF THE APPELLATE AUTHORITY, LR, KANNUR

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REVN. PETITIONERS: RESPONDENTS NO. 1-3 & 5-7 IN O.A. & A.A.

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1. K.V.DAMAYANTHI AMMA,
   W/O.LATE RAGHAVAN, AGED 83 YEARS,
   PARAVALAPPIL HOUSE, NEAR PALLIKULAM.P.O,
   P.O.CHIRACKAL, KANNUR.

2. K.V.SURENDRAN, S/O.LATE RAGHAVAN,
   AGED 42 YEARS, WORKING IN WESTERN INDIA COTTONS
   LTD., PARAVALAPPIL HOUSE, NEAR PALLIKULAM,
   P.O.CHIRAKKAL, KANNUR.

3. K.V.ANIL KUMAR, S/O.LATE RAGHAVAN,
   AGED 42 YEARS, PARAVALAPPIL HOUSE,
   NEAR PALLIKULAM, P.O.CHIRAKKAL,
   KANNUR.

4. K.V.MADHURI, D/O.LATE RAGHAVAN,
   AGED 39 YEARS, PARAVALAPPIL HOUSE,
   NEAR PALLIKULAM, P.O.CHIRAKKAL,
   KANNUR.

5. K.V.ANITHA, D/O.LATE RAGHAVAN,
   AGED 32 YEARS, PARAVALAPPIL HOUSE,
   NEAR PALLIKKULAM, P.O.CHIRAKKAL,
   KANNUR.

6. K.V.PUSHPAJA, D/O.LATE RAGHAVAN,
   AGED 55 YEARS, KARTHIYADATH HOUSE,
   KOTTALI.P.O, KANNUR.

BY ADV. SRI.R.SURENDRAN

RESPONDENTS: APPELLANTS/APPLICANTS
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1. MADALI KUNHIRAMAN,
   S/O.KANNAN, AGED 80 YEARS,
   POOKANDY HOUSE, PUZHATHI AMSOM, P.O.KOTTALI,
   KANNUR-16.

2. STATE OF KERALA,
   REPRESENTED BY THE CHIEF SECRETARY TO GOVT.,
   SECRETARIAT,
   THIRUVANANTHAPURAM.

BY ADV. SRI.C.K.SREEJITH

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 28/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A. NO. 2241/2006 IN C.R.P. 101/2006

// DISMISSED //

28.3.2007. SD/-
P.R. RAMAN, JUDGE.

// TRUE COPY //

P.S. TO JUDGE.

KNC/-

P.R. RAMAN

C.R.P. NO. 101 OF 2006

DATED THIS, THE 28TH DAY OF MARCH, 2007.

O R D E R

The order impugned in this revision petition is one passed by the Appellate Authority under the Kerala Land Reforms Act. The respondent herein claimed kudikidappu right by filing an application before the Land Tribunal, Kuthuparamba, as O.A 5/1998. The Land Tribunal, after evaluating the evidence on record, found that the respondent is not entitled to claim kudikidappu right and accordingly, the application was dismissed against which he preferred an appeal as A.A. 87/2003. The Appellate Authority, after extracting the arguments on both sides, in a single line order, stated thus:

> "The Appellate Authority finds that a fresh disposal is necessitated by Land Tribunal."

No reason is stated and no consideration of the evidence on records. As such the Appellate Authority has not applied its mind before remanding the matter. Thus, the order passed by the Appellate Authority is erroneous in law and liable to be set aside.

2. Accordingly, the civil revision petition is allowed. The matter is remanded to the Appellate Authority for fresh consideration in accordance with law. It is open to the appellate authority to consider the entire evidence in the matter and, if for any reason, a fresh look into the matter is required, then only it need remand the matter to the Tribunal; as otherwise it will finally dispose of the matter on merits based on record.

P.R. RAMAN,
(JUDGE)

knc/-